

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALEJANDRO ROJAS JIMENEZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 21-1284

Agency No. A216-434-326

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 10, 2023**
San Francisco, California

Before: S.R. THOMAS, CHRISTEN, and BRESS, Circuit Judges.

Alejandro Rojas Jimenez, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals (“BIA”) decision dismissing his appeal from an Immigration Judge (“IJ”)’s decision that declined to terminate removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252. Where, as here,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

the BIA issues its own opinion, this Court reviews “only the BIA’s decision, except to the extent that it expressly adopts the IJ’s opinion.” *Flores-Lopez v. Holder*, 685 F.3d 857, 861 (9th Cir. 2012). Because the parties are familiar with the factual and procedural history of the case, we need not recount it here. We deny the petition for review.

The BIA’s sole basis for dismissing Rojas Jimenez’s appeal was that he conceded removability through his counsel. Rojas Jimenez does not contest this in his petition for review or contend that the BIA was incorrect in its holding. Accordingly, he has waived any argument challenging the BIA’s decision. *See Escobar Santos v. Garland*, 4 F.4th 762, 764 n.1 (9th Cir. 2021) (arguments not raised in petitioner’s opening brief are waived).

PETITION DENIED.